SINGLE BENCH

(3) (5)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 1241 OF 2007

PETITIONER : Bhagwant Kumar Kashyap Son of Shri Heman Singh, aged about 51 years, Assistant Teacher, Govt. Primary School Thelka, Block Saja, Education District Bemetara, District Durg (C.G.).

M.A. No. 572/07
Presented by Shri S. P. Sahu
dated 12/11/07

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Department of School Education, D. K. S. Bhawan, Raipur (C.G.).

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2. The Director, Public Instructions, Raipur (C.G.).

3. The District Education Officer, Education District Bemetara, District Durg (C.G.).

4. The Block Education Officer, Saja, District Durg (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER/ORDERS, DIRECTION/DIRECTIONS.

(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 1241 of 2007

Petitioner : Bhagwant Kumar Kashyap

-Versus-

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: *Shri P. P. Sahu, Advocate for the petitioner.*
Shri Satish Gupta, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 2nd day of March, 2007)

1. The petitioner was appointed as Assistant Teacher on fixed pay of Rs. 150/- on 21.6.1982. After completion of two year's probation, he was granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

(43)

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in W. P. (s) 5976 of 2006 (Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others), which was allowed vide order dated 7th November, 2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur